

Should Ideology Matter In Selecting Federal Judges

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The Righteous Mind Yale University Press

A study that will appeal to any reader interested in the relationship between our language and our laws, *Ideology in the Language of Judges* focuses on the way judges take guilty pleas from criminal defendants and on the judges' views of their own courtroom behavior. This book argues that variation in the discourse structure of the guilty pleas can best be understood as enactments of the judges' differing interpretations of due process law and the proper role of the judge in the courtroom. Susan Philips demonstrates how legal and professional ideologies are expressed differently in interviews and socially occurring speech, and reveals how bounded written and spoken genres of legal discourse play a role in containing and ordering ideological diversity in language use. She also shows how the ideological struggles in a given courtroom are central yet largely hidden or denied. Such findings will contribute significantly to the study of how speakers create realities through their use of language.

Law, Politics, and the Decisions Justices Make Cambridge University Press

This book comprehensively examines the United States legal system. While the most extensive coverage is given to the U.S. Supreme Court, the book also provides separate chapters on state courts, the U.S. District Courts, and the U.S. Courts of Appeals. The book systematically compares the effects of legal and political factors on different courts' decisions. Finally, we provide extended coverage to American legal process, with separate chapters on civil procedure, evidence, and criminal procedure.

Merit, Ideology, and Politics John Wiley & Sons

Supreme Court Justice Antonin Scalia once remarked that the theory of an evolving, "living" Constitution effectively "rendered the Constitution useless." He wanted a "dead Constitution," he joked, arguing it must be interpreted as the framers originally understood it. In *The Living Constitution*, leading constitutional scholar David Strauss forcefully argues against the claims of Scalia, Clarence Thomas, Robert Bork, and other "originalists," explaining in clear, jargon-free English how the Constitution can sensibly evolve, without falling into the anything-goes flexibility caricatured by opponents. The living Constitution is not an out-of-touch liberal theory, Strauss further shows, but a mainstream tradition of American jurisprudence—a common-law approach to the Constitution, rooted in the written document but also based on precedent. Each generation has contributed precedents that guide and confine judicial rulings, yet allow us to meet the demands of today, not force us to follow the commands of the long-dead Founders. Strauss explores how judicial decisions adapted the Constitution's text (and contradicted original intent) to produce some of our most profound accomplishments: the end of racial segregation, the expansion of women's rights, and the freedom of speech. By contrast, originalism suffers from fatal flaws: the impossibility of truly divining original intent, the difficulty of adapting eighteenth-century understandings to the modern world, and the pointlessness of chaining ourselves to decisions made centuries ago. David Strauss is one of our leading authorities on Constitutional law—one with practical knowledge as well, having served as Assistant Solicitor General of the United States and argued eighteen cases before the United States Supreme Court. Now he offers a profound new understanding of how the Constitution can remain vital to life in the twenty-first century.

Why Good People are Divided by Politics and Religion Princeton University Press

This anthology focuses on the behavioral study of political ideology and its connection to public policy formulation. The public policy implications of ideology, largely ignored by textbooks on ideology, have never been the purview of a single scholarly community. Instead, this area encompasses several specialties of political science, public administration, and economics. Across these disciplines the behavioral study of political ideology appears fragmented. This book is intended to pull these pieces together by showing the role of ideology in policy formulation and demonstrating methods by which the ideology-public policy relationship can be studied.

Judicial Nomination and Confirmation Process U of Minnesota Press

This book provides a social interpretation of written South African translation history from the seventeenth century to the present, considering how trends involving various languages have reflected ideologies and unequal power relations and focusing attention on translation's often hidden social operation. Translation is investigated in relation to colonial mercantilism, scientific knowledge of extraction, Christian missionary conversion, Islamic education, various nationalisms, apartheid oppression and the anti-apartheid struggle, neoliberalism, exclusion and post-apartheid social transformation by employing Niklas Luhmann's social systems theory. This book will be an essential resource for scholars, graduate students, and general readers who are

interested in or work on the history and practice of translation and its cultural agents in the South African context.

Judicial Selection Oxford University Press

In follow-up studies, dozens of reviews, and even a book of essays evaluating his conclusions, Gerald Rosenberg's critics—not to mention his supporters—have spent nearly two decades debating the arguments he first put forward in *The Hollow Hope*. With this substantially expanded second edition of his landmark work, Rosenberg himself steps back into the fray, responding to criticism and adding chapters on the same-sex marriage battle that ask anew whether courts can spur political and social reform. Finding that the answer is still a resounding no, Rosenberg reaffirms his powerful contention that it's nearly impossible to generate significant reforms through litigation. The reason? American courts are ineffective and relatively weak—far from the uniquely powerful sources for change they're often portrayed as. Rosenberg supports this claim by documenting the direct and secondary effects of key court decisions—particularly *Brown v. Board of Education* and *Roe v. Wade*. He reveals, for example, that Congress, the White House, and a determined civil rights movement did far more than *Brown* to advance desegregation, while pro-choice activists invested too much in *Roe* at the expense of political mobilization. Further illuminating these cases, as well as the ongoing fight for same-sex marriage rights, Rosenberg also marshals impressive evidence to overturn the common assumption that even unsuccessful litigation can advance a cause by raising its profile. Directly addressing its critics in a new conclusion, *The Hollow Hope, Second Edition* promises to reignite for a new generation the national debate it sparked seventeen years ago.

The Tyranny of Merit Oxford University Press

A Times Literary Supplement's Book of the Year 2020 A New Statesman's Best Book of 2020 A Bloomberg's Best Book of 2020 A Guardian Best Book About Ideas of 2020 The world-renowned philosopher and author of the bestselling *Justice* explores the central question of our time: What has become of the common good? These are dangerous times for democracy. We live in an age of winners and losers, where the odds are stacked in favor of the already fortunate. Stalled social mobility and entrenched inequality give the lie to the American credo that "you can make it if you try". The consequence is a brew of anger and frustration that has fueled populist protest and extreme polarization, and led to deep distrust of both government and our fellow citizens—leaving us morally unprepared to face the profound challenges of our time. World-renowned philosopher Michael J. Sandel argues that to overcome the crises that are upending our world, we must rethink the attitudes toward success and failure that have accompanied globalization and rising inequality. Sandel shows the hubris a meritocracy generates among the winners and the harsh judgement it imposes on those left behind, and traces the dire consequences across a wide swath of American life. He offers an alternative way of thinking about success—more attentive to the role of luck in human affairs, more conducive to an ethic of humility and solidarity, and more affirming of the dignity of work. *The Tyranny of Merit* points us toward a hopeful vision of a new politics of the common good.

Translation, Ideology and Gender Farrar, Straus and Giroux
Picking Federal Judges Lower Court Selection from Roosevelt Through Reagan Yale University Press

Ideology and Identity University of Chicago Press

Ireland has enjoyed continuous democratic government for almost a century, an unusual experience among countries that gained their independence in the 20th century. But the way this works in practice has changed dramatically over time. Ireland's colonial past had an enduring influence over political life for much of the time since independence, enabling stable institutions of democratic accountability, while also shaping a dismal record of economic under-development and persistent emigration. More recently, membership of the EU has brought about far-reaching transformation across almost all aspects of Irish life. But if anything, the paradoxes have only intensified. Now one of the most open economies in the world, Ireland has experienced both rapid growth and one of the most severe crashes in the wake of the Great Recession. On some measures Ireland is among the most affluent countries in the world, yet this is not the lived experience for many of its citizens. Ireland is an unequivocally modern state, yet public life continues to be marked by formative ideas and values in which tradition and modernity are held in often uneasy embrace. It is a small state that has ambitions to leverage its distinctive place in the Atlantic and European worlds to carry more weight on the world stage. Ireland continues to be deeply connected to Britain through ties of culture and trade, now matters of deep concern in the context of Brexit. And the old fault-lines between North and South, between Ireland and Britain, which had been at the core of one of Europe's longest and bloodiest civil conflicts, risk being reopened by Britain's new hard-edged approach to national and European identities. These key issues are teased out in the 41 chapters of this book, making this the most comprehensive volume on Irish politics to date.

The Changing Party Systems of India Harvard University Press

One of the most contentious issues in politics today is the propriety of electing judges. Ought judges be independent of democratic processes in obtaining and retaining their seats, or should they be subject to the approval of the electorate and the processes that accompany popular control? While this debate is interesting and often quite heated, it usually occurs without reference to empirical facts—or at least accurate ones. Also, empirical scholars to date

have refused to take a position on the normative issues surrounding the practice. Bonneau and Hall offer a fresh new approach. Using almost two decades of data on state supreme court elections, Bonneau and Hall argue that opponents of judicial elections have made—and continue to make—erroneous empirical claims. They show that judicial elections are efficacious mechanisms that enhance the quality of democracy and create an inextricable link between citizens and the judiciary. In so doing, they pioneer the use of empirical data to shed light on these normative questions and offer a coherent defense of judicial elections. This provocative book is essential reading for anyone interested in the politics of judicial selection, law and politics, or the electoral process. Part of the *Controversies in Electoral Democracy and Representation* series edited by Matthew J. Streb.

How Judges Practice Law, Politics, and Courtroom Control Oxford University Press

Presents a groundbreaking investigation into the origins of morality at the core of religion and politics, offering scholarly insight into the motivations behind cultural clashes that are polarizing America.

Power and Ideology in South African Translation Manchester University Press

In this much needed resource, Maryellen Weimer—one of the nation's most highly regarded authorities on effective college teaching—offers a comprehensive work on the topic of learner-centered teaching in the college and university classroom. As the author explains, learner-centered teaching focuses attention on what the student is learning, how the student is learning, the conditions under which the student is learning, whether the student is retaining and applying the learning, and how current learning positions the student for future learning. To help educators accomplish the goals of learner-centered teaching, this important book presents the meaning, practice, and ramifications of the learner-centered approach, and how this approach transforms the college classroom environment. *Learner-Centered Teaching* shows how to tie teaching and curriculum to the process and objectives of learning rather than to the content delivery alone. *President's Selection of a Nominee* Cambridge University Press How do Supreme Court justices decide their cases? Do they follow their policy preferences? Or are they constrained by the law and by other political actors? *The Constrained Court* combines new theoretical insights and extensive data analysis to show that law and politics together shape the behavior of justices on the Supreme Court. Michael Bailey and Forrest Maltzman show how two types of constraints have influenced the decision making of the modern Court. First, Bailey and Maltzman document that important legal doctrines, such as respect for precedents, have influenced every justice since 1950. The authors find considerable variation in how these doctrines affect each justice, variation due in part to the differing experiences justices have brought to the bench. Second, Bailey and Maltzman show that justices are constrained by political factors. Justices are not isolated from what happens in the legislative and executive branches, and instead respond in predictable ways to changes in the preferences of Congress and the president. *The Constrained Court* shatters the myth that justices are unconstrained actors who pursue their personal policy preferences at all costs. By showing how law and politics interact in the construction of American law, this book sheds new light on the unique role that the Supreme Court plays in the constitutional order.

The Supreme Court in the American Legal System Cambridge Scholars Publishing

Ideology in the Supreme Court is the first book to analyze the process by which the ideological stances of U.S. Supreme Court justices translate into the positions they take on the issues that the Court addresses. Eminent Supreme Court scholar Lawrence Baum argues that the links between ideology and issues are not simply a matter of reasoning logically from general premises. Rather, they reflect the development of shared understandings among political elites, including Supreme Court justices. And broad values about matters such as equality are not the only source of these understandings. Another potentially important source is the justices' attitudes about social or political groups, such as the business community and the Republican and Democratic parties. The book probes these sources by analyzing three issues on which the relative positions of liberal and conservative justices changed between 1910 and 2013: freedom of expression, criminal justice, and government "takings" of property. Analyzing the Court's decisions and other developments during that period, Baum finds that the values underlying liberalism and conservatism help to explain these changes, but that justices' attitudes toward social and political groups also played a powerful role. Providing a new perspective on how ideology functions in Supreme Court decision making, *Ideology in the Supreme Court* has important implications for how we think about the Court and its justices.

Five Key Changes to Practice Cambridge University Press

Neil Gross shows that the U.S. academy's liberal reputation has exerted a self-selecting influence on young liberals, while deterring promising conservatives. His study sheds new light on both academic

life and American politics, where the conservative movement was built in part around opposition to the “ liberal elite ” in higher education.

In *Defense of Judicial Elections* National Legal Ctr for the Public Fascist Virilities exposes the relation between rhetoric and ideology. Barbara Spackman looks at Italian fascism as a matter of discourse, with "virility" as the master code that articulates and melds its disparate elements. In her analysis, rhetoric binds together the elements of ideology, with "virility" as the key. To reveal how this works, Spackman traces the circulation of "virility" in the discourse of the Italian regime and in the rhetorical practices of Mussolini himself. She tracks the appearance of virility in two of the sources of fascist rhetoric, Gabriele D'Annunzio and F.T. Marinetti, in the writings of the futurist Valentine de Saint Point and the fascist feminist Teresa Labriola, and in the speeches of Mussolini. A critical and timely contribution to the current reappraisal of fascist ideology, this book will interest anyone concerned with the relations between gender, sexuality, and fascist discourse.

Does Judicial Transparency Erode Legitimacy? : Symposium Held at the New York University School of Law, March 11, 2008 Picking Federal Judges Lower Court Selection from Roosevelt Through Reagan

Indian party politics, commonly viewed as chaotic, clientelistic, and corrupt, is nevertheless a model for deepening democracy and accommodating diversity. Historically, though, observers have argued that Indian politics is non-ideological in nature. In contrast, Pradeep Chhibber and Rahul Verma contend that the Western European paradigm of "ideology" is not applicable to many contemporary multiethnic countries. In these more diverse states, the most important ideological debates center on statism—the extent to which the state should dominate and regulate society—and recognition—whether and how the state should accommodate various marginalized groups and protect minority rights from majorities. Using survey data from the Indian National Election Studies and evidence from the Constituent Assembly debates, they show how education, the media, and religious practice transmit the competing ideas that lie at the heart of ideological debates in India.

A Matter for Judgement Routledge

With its often vague legal concepts and institutions that operate according to unfamiliar procedures, judicial decision-making is, in many respects, a highly enigmatic process. *New Directions in Judicial Politics* seeks to demystify the courts, offering readers the insights of empirical research to address questions that are of genuine interest to students. In addition to presenting a set of conclusions about the way in which courts operate, this book also models the craft of political research, illustrating how one can account for a variety of factors that might affect the courts and how they operate. The renowned scholars and teachers in this volume invite critical thinking, not only about the substance of law and courts in America, but also about the ways in which we study judicial politics.

The Living Constitution Routledge

A sitting justice reflects upon the authority of the Supreme Court—how that authority was gained and how measures to restructure the Court could undermine both the Court and the constitutional system of checks and balances that depends on it. A growing chorus of officials and commentators argues that the Supreme Court has become too political. On this view the confirmation process is just an exercise in partisan agenda-setting, and the jurists are no more than politicians in robes—*Ö* their ostensibly neutral judicial philosophies mere camouflage for conservative or liberal convictions. Stephen Breyer, drawing upon his experience as a Supreme Court justice, sounds a cautionary note. Mindful of the Court's history, he suggests that the judiciary's hard-won authority could be marred by reforms premised on the assumption of ideological bias. Having, as Hamilton observed, *Ö* no influence over either the sword or the purse, *Ö* the Court earned its authority by making decisions that have, over time, increased the public's trust. If public trust is now in decline, one part of the solution is to promote better understandings of how the judiciary actually works: how judges adhere to their oaths and how they try to avoid considerations of politics and popularity. Breyer warns that political intervention could itself further erode public trust. Without the public's trust, the Court would no longer be able to act as a check on the other branches of government or as a guarantor of the rule of law, risking serious harm to our constitutional system.

Rhetoric, Ideology, and Social Fantasy in Italy Vintage

Every year, hundreds of thousands of women become victims of sexual violence in conflict zones around the world; in the Democratic Republic of Congo alone, approximately 1,100 rapes are reported each month. This book offers a comprehensive analysis of the causes, consequences and responses to sexual violence in contemporary armed conflict. It explores the function and effect of wartime sexual violence and examines the conditions that make women and girls most vulnerable to these acts both before, during and after conflict. To understand the motivations of the men (and occasionally women) who perpetrate this violence, the book analyzes the role played by systemic and situational factors such as patriarchy and militarized masculinity. Difficult questions of accountability are tackled; in particular, the case of child soldiers, who often suffer a double victimization when forced to commit sexual atrocities. The book concludes by looking at strategies of prevention and protection as well as new programs being set up on the ground to support the rehabilitation of survivors and their communities. Sexual violence in war has long been a taboo subject but, as this book shows, new and courageous steps are at last being taken—*Ö* at both local and international level—*Ö* to end what has been called the “ greatest silence in history ” .